

**ASSEMBLY BILL**

**No. 940**

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**Introduced by Assembly Member Chu**

February 18, 2005

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An act to amend Section 14251 of the Penal Code, relating to missing persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 940, as introduced, Chu. Missing persons DNA database.

Existing law requires the Department of Justice to develop a DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person, as defined. Existing law requires that, until January 1, 2006, the database be funded by a \$2 fee increase on death certificates issued by a local government agency or by the State of California. Existing law specifies the manner in which these funds shall be used.

This bill would delete the January 1, 2006, expiration date for these provisions, and would therefore extend the collection of the \$2 fee on death certificates indefinitely. By requiring the collection of the fee on death certificates issued by local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14251 of the Penal Code is amended to  
2 read:

3 14251. (a) The “Missing Persons DNA Data Base” shall be  
4 funded by a two dollar (\$2) fee increase on death certificates  
5 issued by a local government agency or by the State of  
6 California. The issuing agencies may retain up to 5 percent of the  
7 funds from the fee increase for administrative costs. ~~This fee~~  
8 ~~increase shall remain in effect only until January 1, 2006, or~~  
9 ~~when federal funding for operation of the data base becomes~~  
10 ~~available if it becomes available before that date.~~

11 (b) Funds shall be directed on a quarterly basis to the “Missing  
12 Persons DNA Data Base Fund,” hereby established, to be  
13 administered by the department for establishing and maintaining  
14 laboratory infrastructure, DNA sample storage, DNA analysis,  
15 and labor costs for cases of missing persons and unidentified  
16 remains. Funds may also be distributed by the department to  
17 various counties for the purposes of pathology and exhumation as  
18 the department deems necessary. The department may also use  
19 those funds to publicize the data base for the purpose of  
20 contacting parents and relatives so that they may provide a DNA  
21 sample for training law enforcement officials about the data base  
22 and DNA sampling and for outreach.

23 (c) The department shall create an advisory committee,  
24 comprised of coroners and appropriate law enforcement officials,  
25 and interested stakeholders to prioritize the identification of the  
26 backlog of unidentified remains. The identification of the  
27 backlog may be outsourced to other laboratories at the  
28 department’s discretion.

29 (d) (1) The death certificate fee increase shall begin and funds  
30 shall be directed to the Missing Persons DNA Data Base Fund  
31 beginning January 1, 2001. Funding for year one shall be used to  
32 develop the data base and laboratory infrastructure, and to  
33 establish Department of Justice protocols and personnel.

34 (2) The Department of Justice shall begin case analysis in  
35 2002. The Department of Justice shall retain the authority to

1 prioritize case analysis, giving priority to those cases involving  
2 children.

3 (3) If federal funding is made available, it shall be used to  
4 assist in the identification of the backlog of high-risk missing  
5 person cases and long-term unidentified remains.

6 ~~(4) This section shall remain in effect only until January 1,~~  
7 ~~2006, and as of that date is repealed, unless a later enacted~~  
8 ~~statute, that is enacted before January 1, 2006, deletes or extends~~  
9 ~~that date.~~

10 SEC. 2. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.